IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE TWENTY FOURTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE C.V.RAMULU

WRIT PETITION No. 17570 of 2000

Between:

A.Saranga Pani

..... PETITIONER

AND

The Principal Secretary to Government,

Labour & Employment Training & Factories Department
Hyderabad and two others

.....RESPONDENTS

ORDER:

This writ petition is filed challenging the proceedings of the

1st respondent in his letter No.556/Lab.I/A1/96 (Government of Andhra Pradesh, Labour, Employment, Training & Factories (Lab.I) Department), wherein the conciliation report submitted by the A.C.L, Warangal, was considered and decided not to refer the matter as it does not merit reference for adjudication since the dispute was raised belatedly after lapse of more than 12 years from the date of cause of action.

There is no necessity of going into all the details. The petitioner was imposed with a punishment of stoppage of three increments with cumulative effect by an order dated 20.08.1993. Thereafter, the petitioner did not raise any dispute for more than 12 years and only on 04.09.1995 he raised conciliation proceedings before the A.C.L, Warangal. The A.C.L., Warangal, on failure of conciliation, submitted a report to the Government on 11.10.1995. The Government after considering the matter felt that since the dispute was belatedly raised after more than 12 years, it does not merit reference for adjudication. Thus, refused to refer the matter to the Industrial Tribunal for adjudication since the matter is stale.

The learned counsel for the petitioner strenuously contended that the Government has no discretion to refuse any dispute for adjudication. Once the failure of conciliation is reported by the concerned authorities, the Government is supposed to refer the matter to the Industrial Tribunal for adjudication. The question of refusing to refer the matter does not arise. It is for the Tribunal to say whether the dispute was belated or the dispute has any merit. The case needs to be adjudicated by the Industrial Tribunal on merits. The rejection of the case of the petitioner for referring the matter for adjudication to the Industrial Tribunal is arbitrary and illegal. The learned counsel for the petitioner also relied upon a judgment in ***Ajaib Singh v. Sirhind Co-op. Marketing-cum-Proc.Service Soc.Ltd. & Anr.*** in this regard the said judgment has no relevance to the facts of this case

There is no explanation offered by the petitioner to satisfy this Court as to why there was delay of 12 years in raising dispute by way of conciliation. Further, this is only a case of stoppage of three increments with cumulative effect. The petitioner is in active service of the respondent organization right from 1983. He was not diligent in pursuing remedies available under the law. Therefore, I am of the view that the 1st respondent has not committed any error in refusing to refer the matter to the Industrial Tribunal under the impugned proceedings. The writ petition is devoid of merits and liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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C.V.RAMULU

Dated: 24.08.2005

Dsr